

Docket No. MSU 4.1-560
Appl. No. 09/924,841
Amdt. Dated: February 23, 2005
Reply to Office Action of Dec. 16, 2004

REMARKS

Claims 2, 3, 11, 12 and 17 are pending. No claims are allowed. Claims 1 and 7-10, 16 and 18 have been cancelled.

Claims 3 and 12 were objected to as being drawn to a non-elected species. These claims have been amended to correct this objection by referring to SEQ ID NO:1. Reconsideration is requested.

Claims 1, 2-3 and 7-9 were rejected under 35 USC 112, second paragraph, as being indefinite in the use of the term "genes". The remaining claims have been amended to use the term "polynucleotides" as suggested. Reconsideration is requested.

Claims 1 to 3, 7 to 12 and 16 to 18 were rejected under 35 USC 112, second paragraph, as being indefinite because of the failure to specify the residue numbers. The claims have been amended to include the specific residue numbers. Reconsideration is requested.

Claims 2, 3 and 7 to 9, 11, 12 and 16 to 18 were rejected under 35 USC 112, second paragraph, because of the use of "activity" in the claims. This term has been deleted from the claims. Reconsideration is requested.

Claims 1-2, 7-11 and 16 to 18 were rejected under 35 USC 112, first paragraph, as containing subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. The remaining claims have been amended to encompass IPNS isolated DNA like SEQ ID NO:1.

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Reconsideration of this rejection is requested.

Claims 9 and 18 were rejected under 35 USC 112, first paragraph, because of a failure to deposit certain specific *Streptomyces* sp. These species have been deleted from the claims and are not the subject matter of the pending claims. Reconsideration is requested.

It is now believed that Claims 2, 3, 11, 12 and 17 are in condition for allowance. Notice of Allowance is requested.

Respectfully,



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